

Sec. 731-222. Manufactured homes.

(a) Permitted manufactured homes. Manufactured homes, as defined in section 731-102, shall be permitted in all dwelling districts (except D-6, D-6II, D-7, D-9, and D-10) and in any other zoning district in Marion County permitting single-family dwelling uses, subject to the following schedule:

- (1) Manufactured homes shall be subject to the grant of a Special Exception in D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, D-8, D-12 and any other zoning district in Marion County permitting single-family dwelling uses, as governed in section 731-222(a)(2).
- (2) Manufactured homes shall be permitted without a Special Exception in the D-3, D-4, D-5, D-5II and D-12 districts if located in a subdivision given final plat approval on or after July 1, 1982.

(b) Manufactured home requirements. Manufactured homes shall comply with the following requirements:

- (1) All manufactured homes, except those located in the D-11 district, shall be set onto a permanent foundation and comply with the set up, utility connection and underfloor space requirements set forth in Chapter 8, Article III, Division IV of the Code of Indianapolis and Marion County, which is incorporated herein by reference.
- (2) A Special Exception shall be granted following application filed with the Board of Zoning Appeals having jurisdiction of the petition by the landowner petitioner, notice to owners of adjoining parcels of land and public hearing by said Board, all in accordance with the Rules of Procedure of the Board of Zoning Appeals only upon the Board's determination that:
 - a. The grant will not be injurious to the public health, safety, morals, convenience or general welfare.
 - b. The grant will not injure or adversely affect the adjacent area or property values therein.
 - c. The manufactured home will be in harmony with the character of the surrounding neighborhood, utilize siding and roofing materials which are aesthetically compatible with the surrounding neighborhood, and constitute a land use authorized in the zoning district.
- (3) The grant of a Special Exception shall be conditioned upon the following requirements:
 - a. The manufactured home shall conform to all development standards of the applicable zoning district.
 - b. The manufactured home shall conform to all other applicable requirements of this ordinance and all restrictions and conditions attached to the grant of Special Exception by said Board; in case of conflict, the more restrictive standards or requirements are to control. The Board may impose reasonable restrictions or conditions in connection with the grant of any Special Exception, but only to the extent necessary to ensure compliance with the conditions and standards set forth in above paragraph (1) and clauses a, b, and c of above paragraph (2).

(G. O. No. 100, 1989, § 2, 11-20-89)

Sec. 731-223. Reserved.

Sec. 731-224. Religious uses.

(a) Permitted religious uses. A religious use, as defined in section 731-102, shall be permitted in all dwelling districts subject to the grant of a Special Exception by the Board of Zoning Appeals having jurisdiction of the petition; and the Board of Zoning Appeals is hereby authorized to grant such Special Exceptions and permit such religious uses in the dwelling districts.

(b) Religious use requirements. Religious uses shall comply with the following requirements:

- (1) A Special Exception shall be granted by the Board of Zoning Appeals following application filed with the Board by the landowner petitioner (which application shall include a site and development plan as provided for in paragraph B hereof and may include a request for modification of development standards as provided for in paragraph C hereof), notice to owners of adjoining parcels of land and public hearing by said Board: all in accordance with the Rules of Procedure of the Board of Zoning Appeals upon the Board of Zoning Appeals determination that:
 - a. The proposed use of the property is a religious use, as defined in section 731-102.
 - b. Any adverse impact on the public health, safety, morals or general welfare caused by the grant does not outweigh the restriction on the petitioner's right to religious worship and peaceful assembly.
 - c. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property.
- (2) The landowner petitioner shall file with the application a site and development plan, drawn to scale, which shall include, where applicable:
 - a. Proposed use, buildings and structures, including the seating capacities thereof;
 - b. Existing uses, buildings and structures, including the seating capacities thereof;
 - c. A parking plan, including proposed off-street and on-street parking, demonstrating the number of parking spaces available for the proposed use;
 - d. Vehicular entrances, exists and turnoff lanes;
 - e. Building setbacks;
 - f. Landscaping, screens, walls and fences, including provisions for the preservation of trees;
 - g. Exterior lighting;
 - h. Signs, including location, size and design thereof;
 - i. Sewage disposal facilities;
 - j. Storm drainage facilities;
 - k. Pedestrian ways;
 - l. Other utilities, if above ground facilities are needed; and,
 - m. Such other information as the Administrator shall reasonably request.
- (3) If applicable, the landowner petitioner shall also file with the application a request for modification of development standards indicating any development standard of the

applicable dwelling district to be modified in connection with the grant of a Special Exception.

(4) The grant of such Special Exception shall be conditioned upon the following requirements:

- a. The religious use shall conform to all development standards of the applicable dwelling district, except as specifically modified by the grant of Special Exception.
- b. The religious use shall conform to all conditions attached to the grant of Special Exception by said Board.

The Board, in connection with the granting of any Special Exception, may modify any development standard of the applicable dwelling district, if requested by the landowner petitioner, but the Board need not modify any development standard if it finds that the benefit to the public health, safety or general welfare derived from such development standard outweighs any restriction on the right of freedom of worship and peaceful assembly caused by such development standard.

The Board may impose reasonable restrictions or conditions in connection with the grant of any Special Exception, including restrictions and conditions which are more restrictive than the applicable development standards, if the Board finds that such restrictions or conditions benefit the public health, safety or general welfare, and such benefit outweighs any restriction on the right of freedom of worship and peaceful assembly caused by the imposition of such restrictions or conditions.

(G. O. No. 100, 1989, § 2, 11-20-89)